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Subject.

Surplus Revenues of the Assigned Tracts

Previous References.

Later References.

F 161 of 1884

F 606 of 1899

F. 613 of 1899.

S. 97. (Blue.)

MGIPC—FP—725DCF—S&P—(G-1576)—14-3-28—60,000.

No. 62.

FROM THE SECRETARY TO THE CHIEF COMMISSIONER OF MYSORE,

GENERAL DEPARTMENT

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,

FOREIGN DEPARTMENT.

Dated Chief Commissioner's Office, Calcutta, the 17th December 1880.

SIR,

I AM directed by the Chief Commissioner to acknowledge the receipt of your letter No. 872IP, dated the 25th October 1880, and to reply to the several points therein referred for report from the Chief Commissioner.

2. The first subject on which information is required is the Civil List, or amount to be set aside annually out of the revenues of the Mysore State for the personal expenses of the Maharaja after he shall have assumed the Government of his country. In the opinion of Mr. Gordon, this allowance may be fixed at 13 lakhs of rupees, but with the proviso that, for the next five years, only ten lakhs shall be appropriated for the purpose.

Civil List.

3. Thirteen lakhs constituted the annual allowance made to the late Maharaja, exclusive, however, of occasional additional grants which were made towards the payment of his debts, and that sum ought, Mr. Gordon thinks, to be a sufficient allowance for the Civil List of the present Chief. From this should be incurred all expenditure now classed as Palace charges, viz., the stipends of the members of the Maharaja's family, and of his relations; the provision to be made for his children; the household establishments of the Palace, including the Military attached to it and their pensions; the Palace supplies; the repairs and improvements of the Maharaja's Palaces; the religious and charitable grants made from the private purse of the Maharaja; the expenses of His Highness's private tours; and generally all expenditure relating to the personal wants of himself and his family, his relatives and dependants, apart from the public requirements of the State.

4. At present, during the minority of the Maharaja, eight and a half lakhs of rupees are spent annually on Palace charges. A considerable addition to this will of course be necessary when he comes into power, but Mr. Gordon believes that it will be wise to restrict expenditure on this account to ten lakhs for the next five years, owing to the existing condition of the finances. By the twenty-second article of the Sanad, the Maharaja is bound to conform to advice tendered by the Government of India with reference to the management of his finances, and an annual report should be required showing the income and the allotments, separately for State expenditure, and to the Civil List, giving no details of expenditure of the latter, but accounting for the expenditure of the State revenue. Mr. Gordon has throughout laid the greatest stress upon the institution and retention of such a Civil List as one of the surest methods of preserving the Maharaja from mal-administration and trouble. Knowing, as he will know, that it is one of the principles of the constitution of his State that he cannot appropriate more than a fixed sum for his personal expenditure, he will have the greatest interest in economizing his expenditure within its limits; and against the danger of excess, and running deeply into debt, there will be the safeguard that the Maharaja will

never fail to be aware that, fixed as his income is, he must be unable to conceal his over-expenditure, and that a financial scandal of that sort is one of the first causes which would induce the Government to interfere under the terms of the Sanad.

Date of the Maharaja's coming of age.

5. His Highness the Maharaja will complete the 18th year of his age on the 4th March 1881, his birthday falling on the 5th March. His installation may either take place on the 5th March, or on any subsequent day which may be considered auspicious at Mysore, or may be preferred by the Government of India as more convenient. In some respects the 1st of April, being the first day of the official year, may be considered a convenient and suitable date; but no inconvenience will ensue from the transfer occurring during the currency of the year, because in matters of account, and other essential particulars, the Maharaja's administration will simply be a continuation of the present *régime*. There will be no sudden or violent change.

6. The essential part of the ceremony will, I am to say, consist in presenting the Sanad, with the usual khillats, and in reading a proclamation in Public Durbar, notifying the accession of His Highness. This proclamation should be published simultaneously in the official Gazettes, and be read at all district head-quarters in the Province. The presence on this occasion of His Excellency the Viceroy would, I am to say, be very highly appreciated, and is much to be desired; not only as investing the occasion with the importance which should attach to it as a signal act of British generosity, but also to impress on the Maharaja the obligation and responsibilities devolving on him. In the event of His Excellency being unavoidably prevented from being present, some high State officer, Mr. Gordon desires to take this opportunity of suggesting, should be delegated to represent him.

Increase to the subsidy.

7. As regards the proposed increase to subsidy, the Government is aware that Mr. Gordon has never advocated such increase. Since giving his opinions against the increase, he has closely investigated and considered the financial condition and resources of the Province, and he feels very considerable doubt as to its capacity, now or hereafter, to bear any material increase to the subsidy, in addition to the heavy charge (4 lakhs of rupees annually) thrown on the Province in the shape of interest on the famine debt. Mr. Gordon has no hesitation in most strongly supporting the proposed postponement of any increased subsidy, at least for five years. This would give the Province some little breathing time, for at present the financial condition is very straitened. Assuming that this postponement will be adopted, he would ask the Government of India to consider whether it may not be expedient to refrain from expressing, in the Sanad now, what the amount of the permanent subsidy shall be, and whether it may not be preferable merely to state that, in the opinion of the Government, an increase is fairly demandable, but that, looking to the financial condition of Mysore, no increase will now be demanded, and the question as to what such increase shall be is deferred for consideration for five years, when it will be determined. It appears to Mr. Gordon that this course, whilst sacrificing nothing in the present (the postponement of increase being, it is assumed, resolved on), will leave the Government quite free to determine on the proper increase,—ten lakhs, or more or less as the case may be,—after the lapse of a sufficient time to admit of a satisfactory judgment on the recuperative powers and resources of the Province.

Maintenance of Laws in force.

8. A schedule of the Laws and Rules in force is appended. It will not be necessary to make separate lists of Acts and Rules, as both rest upon the same authority; and it will be convenient to enter the Act "and Rules made thereunder" together. This will much simplify and abridge the list of Rules.

A formal Revenue Code, superseding the existing complicated rules on the subject, has yet to be framed; and a re-casting and codifying of the existing laws may also be required. The Chief Commissioner will do what he can in this matter in the next few months, but there can be no objection to the work being left to be completed by the Native Administration, which would of course submit to the Government of India for approval the proposed amended Code. Meanwhile, the provisions of clauses 19, 20, and 21 of the Sanad, requiring the

observance of existing laws, system of administration and revenue settlements, seem sufficient for all practical purposes.

9. As regards the determination of the limits of the lands to be assigned, Mr. Gordon would propose that these comprise mainly what is now defined and described as the Bangalore Cantonment Municipality. The exact limits can be settled, in communication with the Military authorities, on Mr. Gordon's return to Bangalore from Calcutta. The present Cantonment Municipality limits would have to be slightly curtailed, so as to exclude the Maharaja's Palace, the Mysore Public Offices, the Jail, High School, and such like State buildings. The native City or Pettah would also of course remain with the Mysore State.

The Bangalore Cantonment.

The old Fort, containing the arsenal, is now outside the Cantonment Municipality limits, and within those of the Pettah Municipality. An arrangement must be made for its retention and continued occupation as an arsenal until the latter can be removed to another and better locality. The unfavourable position of the arsenal in the Fort, and the proposal to move it elsewhere, have formed the subject of comment and report from the Military authorities very frequently, and for many years past.

With regard to the proposed introduction into the Assigned tract of the Cantonment Act III of 1880 after the transfer of Mysore to the Maharaja, it would seem that there is nothing to be gained by the introduction of the Act, while some of its provisions might be very inconvenient.

The Act is intended for Military Cantonments in British India. Bangalore is not, and has never been, merely a Military Cantonment, and is not, and is not intended to be, part of British India. After the transfer it will remain as heretofore, as it was correctly described by the Government of India in a letter dated 20th December 1858, "a station in a foreign territory." As it will not be part of British India, the Governor-General in Council, administering its Government on behalf of the Maharaja, will be able to make such laws and rules for its good government as may appear expedient, while the introduction of the Act in question will not convey any higher sanction than the notification of the Government of India, and would bring with it provisions unsuitable and uncalled for. It would appear wise then to let matters remain as they are, and to let the territory included within the Bangalore station be administered by Civil Officers of the British Government, guided by such laws and rules as are at present in force, or may hereafter be introduced by the Governor-General in Council administering the Government on behalf of the Maharaja, who will still retain sovereignty over the territory, though, by the terms of the Sanad, he renounces the exercise of jurisdiction within it.

10. If these suggestions with regard to the station of Bangalore be adopted, it will be necessary to make arrangements for its administration by the Government of India through the Resident. At present there are the following officers employed in the Town and Cantonment:—the Cantonment Magistrate and Judge of the Small Cause Court on pay of Rs. 1,000 a month; the Second Magistrate on Rs 300; the Registrar of the Small Cause Court, whose pay is Rs. 250; the President of the Municipality and the Police Superintendent, the latter draws Rs. 600 a month; and of the pay of the former Rs. 466 are debited to the Cantonment Municipal Funds. But besides these, the Judicial Commissioner, and the District and Sessions Judge of the Nandidroog Division, exercise Civil and Criminal jurisdiction in the Cantonment; the Deputy Commissioner of the Bangalore district is the Collector, Magistrate, and District Registrar of the whole district, including the Town and Cantonment, and there is an Imperial treasury, the charge of which is at present in the hands of the Controller in Mysore.

11. The offices above detailed, which are specially provided for Bangalore now, will nearly all have to be retained hereafter; but in addition to that, arrangements must be made for carrying on that which is now done by officers of the Commission whose jurisdiction is not confined to Bangalore. It is necessary to provide for the ordinary civil litigation in the Assigned tract for all suits connected with land, or otherwise excluded from the Small Cause Court's jurisdiction, and for all suits exceeding Rs. 500 in value, for all civil appeals, for sessions cases and for criminal appeals. It would not be practicable to arrange for this original judicial work within the Assigned territory being done as now

by judicial officers in the employ of the Native State, though the appellate work in the last degree may perhaps unobjectionably be so provided for.

12. The establishment then which Mr. Gordon would propose would be this—one Civil and Sessions Judge, for whom Rs. 1,200 a month will be a suitable salary, who will exercise small cause jurisdiction too; a Cantonment Magistrate, who would devote himself exclusively to magisterial and executive business, and who may conveniently also be President of the Municipality; a second Magistrate and Treasury Officer, and a Superintendent of Police.

13. Under ordinary circumstances, and in other places, appeals from the decision of the Civil and Sessions Judge would lie to the Resident, but so long as the present Judicial Commissioner remains, or so long as the First Judge of the Chief Court is a European Covenanted Civil Servant, appeals may more conveniently lie to that officer, who might be declared to be, as at present, the High Court for Civil and Criminal purposes in the station, except as regards European British subjects.

14. There is now, and there should remain, a special Sub-Registrar for the Cantonment, and the Treasury Officer could without inconvenience be the inspecting officer in that respect and the District Registrar as well.

15. The pay of the above officers, which, exclusive of their establishments, would amount to about Rs. 41,000 per annum, should be met from the revenues of the Cantonment, as well as certain other charges, to be alluded to below; for, when the administration of the Cantonment is assigned, with all its attendant expenses, to the British, the revenue, so far as it is necessary to meet those expenses, should also be assigned with it. At present the house-tax, mohatarfa, the octroi duties and the revenue derived from lands within municipal limits, together with some other miscellaneous items, have all been made over to the municipality which pays one-third share of the cost of the police. This municipal income is fully required for municipal expenditure, and should in no way be interfered with. The following statement of municipal income and expenditure for the past year exemplifies this—

Receipts.	Rs.	Expenditure.	Rs.
Octroi	44,000	Collection and office charges ...	20,017
House-tax, &c.	33,250	Public Works	51,308
License fees on liquor shops ...	13,714	Charitable grants	2,200
Land revenue	3 805	Conservancy	19,968
Other items	13,336	Lighting	8,775
Contribution from Local Government for roads	12,000	Miscellaneous (including reserve) ...	11,514
Contribution from Madras Government for main sewer	1,200	One-third cost of police	20,101
Total ...	1,3.,305	Total ...	1,33,883

16. The Government derives a very considerable revenue from the cantonment in the shape of abkari, or the sale of arrack and toddy. The revenue from arrack amounted in the last year to nearly two lakhs of rupees, and it is expected to show an increase of nearly Rs. 35,000 in the current year. The revenue from toddy may be estimated at Rs. 40,000, the total abkari revenue of the cantonment is therefore about 2¾ lakhs of rupees. In addition to this, a small income from registration, and a more considerable amount from the sale of stamps, will accrue in Bangalore.

17. At present Government contributes two-third cost of the police, amounting to Rs. 41,000; the pay of the Small Cause Court Judge and Cantonment Magistrate, the Judicial Magistrate, and the Registrar, amounting, with their establishments, to Rs. 32,000, besides about Rs. 12,000 to the Bowring Hospital; the contribution of Rs. 12,000 abovementioned to the upkeep of roads, and grants-in-aid to schools situated in the cantonment which amount to Rs. 25,000. Besides these items of expenditure, the revenue of the cantonment, to be assigned with it, should be charged with the pay of the Sessions Judge and the Police Superintendent, their establishments, and of the other officials alluded to above. The balance of surplus revenue should be annually credited to the Mysore State, and two ways of effecting this suggest themselves to

Mr. Gordon, either the actual yearly surplus according to the accounts of the Resident's treasury should be paid, without, however, any liability to render an account to the Mysore State, or, if it seemed preferable, an estimate could be struck, once for all, of income and expenditure, and the ascertained average surplus fixed as the amount to be annually credited to the subsidy without fluctuation. Mr. Gordon, on his return to Bangalore, will have statements prepared giving the estimated income on the one hand and the proposed expenditure on the other. A plan will also be prepared showing the boundaries, area, and population of the territory to be assigned, and an account prepared showing its revenues and the items fairly debitable to the Native State. An agreement would then be obtained from the Maharaja consenting to assign the said territory, and to receive such surplus as may be agreed upon annually.

Thuggi and Dacoity.

18. To return now to the subjects enumerated in the letter under reply, and proceeding to take them in the order in which they come, I am to say that, in Mr. Gordon's opinion, no special arrangements in regard to the suppression of thuggi and dacoity are required, the ordinary police of the Province being considered sufficient for the purpose.

The Maharaja's Military Force.

19. The military force to be maintained by the Maharaja, inclusive of the military guards attached to the Palace, may be limited to its present strength of 1,000 horse and 2,000 foot, or 3,000 in all, exclusive of officers.

Residency and staff.

20. A Resident of the first class with a high official status will always be required for carrying on the political relations with a large and important Native State, for political control over the large Civil and Military station of Bangalore, and for administrative control over Coorg. The position of the Resident for the next three years or so, during which the young Maharaja will not be qualified to undertake the responsibilities of a complex administration without constant advice, and even guidance, from the Resident, would be even more responsible than hereafter. What his pay and position should be, therefore, Mr. Gordon must leave it to Government to determine. The First Assistant Resident would be the Resident's Secretary, and for him Mr. Gordon proposes a salary of Rs. 1,000. It is proposed that he should also be Secretary for Coorg, receiving an additional amount on that account from that Province. Mr. Gordon only proposes, in addition to the First Assistant Resident, to have a Personal Assistant paid at Rs. 500 per mensem, and a Residency Surgeon, on the pay of a Civil Surgeon in a second class station. He would, in addition to other duties, have charge of the Bowring Hospital, and for that he should receive a local allowance. The details of office establishment required for the above officers cannot well be given until Mr. Gordon's return to Bangalore; but as soon as he is informed what Residency staff is sanctioned, statements of the establishments required will be submitted.

European Officers to be retained.

21. In connection with the retention of European officers, the first question which presents itself is the date when the Chief Court should be formed. Mr. Gordon does not think that the country is yet ripe for it, nor the native service ready to supply members, and he would advocate continuing the present system of the Judicial Commissioner and three Sessions Judges for 18 months longer, retaining two European Judges for that time. This is an arrangement which commends itself at the present moment, as well on the score of economy as of efficiency. The other European officers whom it is recommended to retain are—

1 Superintending Engineer.
4 Executive Engineers.
1 Assistant Engineer.
2 or 3 Civil Surgeons.
1 or 2 Forest Officers.
1 Director of Public Instruction.
1 Principal, Bangalore Central College.
1 Officer for Police,
1 Do. for Military.

22. There are three medical officers employed in the Mysore Province now, all of whom, Mr. Gordon believes, the Native State wish to retain. It is proposed that one officer, the head of the Medical Department, shall be stationed at Bangalore, and another at Mysore. The third will have the supreme charge of jails and superintend the sanitary arrangements in the Province. These arrangements are suggested for adoption by the Native State if they are agreeable, as Mr. Gordon believes they will be. He believes that, as the medical wants of the Province are great, they will be glad to retain the European medical officers who are now in it, for a time at least, and, presuming that Government are ready to lend their services, Mr. Gordon would leave it to the Native State to determine whether they should adopt the suggested course or not.

The Dewan and Council.

23. The time has now arrived, I am desired to say, for the nomination to the post of Dewan or First Minister. In paragraph 8 of your letter No. 1100, dated the 8th April 1879, Mr. Gordon was requested to nominate an officer, who should be suited eventually to succeed to the office of Dewan, to the post of Secretary. Mr. Gordon accordingly nominated Mr. Runga Charlu, C.I.E. He was appointed Revenue Commissioner and Secretary in May 1879, and has done good work since in that capacity. In Mr. Gordon's judgment, I am to say, he is the fittest person in the Province for the office of Dewan. Mr. Gordon has consulted the Maharaja on this point. His Highness unhesitatingly prefers the selection of an officer from within the Province to the appointment of one from outside. The names of all officers employed in Mysore, who are in any way eligible for the place, have been deliberately laid before the Maharaja, and he has expressed his undoubted preference for Mr. Runga Charlu. Mr. Gordon thinks then that the nomination of Mr. Runga Charlu as Dewan may be approved. But Mr. Gordon is of opinion that it should be clearly understood that in the case of nomination to the office of Dewan, now and hereafter, the Government of India reserves the power of approval or veto.

24. In respect to the Council, it might be convenient to postpone its formation for a time on financial and on other grounds, especially as at present there will be European officers at the head of Departments to aid in the administration; and as the Resident will be able also to give special guidance. But if the Government deem it right that the Council should be formed, Mr. Gordon will consult the Maharaja as to the two officers who should be appointed to it. The Judicial Commissioner being a European he will not be in the Council, and it remains to select two principal native officers in the State, and make them *ex-officio* Members of the Council. At present it is specially desirable to make these arrangements as economically as possible, and therefore Mr. Gordon proposes to add a suitable addition to the salaries of the officers selected as Members of Council.

25. When the names of the Dewan and Members of Council are formally submitted for the sanction of Government, as they will be, if the above views are approved of, a brief set of rules of procedure for the conduct of business in the Council will also, I am to say, be submitted.

Jurisdiction over Railways.

26. The jurisdiction and management of the Mysore State Railway may best be left in the hands of the Native Government. It is purely a local Railway, and would require considerable extensions in the future. The Native State may be left to arrange for these, taking counsel with the Resident in regard to any loans or other financial arrangements for construction. It will be necessary, however, to obtain from the Mysore State a formal assignment of jurisdiction over the lands occupied by the Madras Railway. Such jurisdiction may conveniently be exercised by the officers appointed to administer the Bangalore Cantonment.

Saringapatam—Tombs, Memorials, Mausoleums.

27. In regard to the tombs and memorials of British officers and men, and the mausoleum containing the remains of Hyder Ali and Tippu Sultan, the Maharaja would regard their due preservation as a point of honor with him, and it would be for the Resident to see that the matter is duly attended to.

28. The organization and reductions effected have been briefly as follows:—The Divisional Commissioners with their large establishments have been abolished, and the district administration brought under the immediate direction of the Government. With the exception of two districts—Bangalore and Kadur (a coffee district), the European Deputy Commissioners have been replaced by native officers carefully selected. The number of Assistant Commissioners has been reduced. The civil judicial work of the Deputy Commissioner, and the establishments connected therewith, have been abolished. The judicial work has been completely separated from Revenue officers, and placed under separate District and Sessions Judges, Subordinate Judges, and Munsiffs.

Reductions and reorganization of establishments.

In the Police Department the functions of the Inspector-General of Police have been transferred from the Judicial Commissioner to the Chief Commissioner. Special Police Assistant Commissioners have been abolished, and the establishments of Police Inspectors and Jemadars have been largely reduced both in number and salary, control over the department being placed more directly in the charge of the district and taluk officers It now remains to select a well-qualified European officer to exercise immediate control over the Police under the Native Administration.

29. Considerable reductions have also been effected in the establishments and charges in the Chief Commissioner's Secretariat, in the Account and Press Departments, and in the Judicial Commissioner's establishment.

In the Educational Department the inspecting agency has been revised, and European Inspectors replaced by Native.

In the Barr or Local Infantry one regiment out of four has been reduced, and the office establishment considerably curtailed.

In the Forest Department the Conservator and his establishment have been dispensed with, and other reductions have been effected.

Reductions have also been carried out in the Bangalore Cantonment Magistrate's and Small Cause Court establishments, as well as in that of the local Postal services.

The post of Superintendent of Government Farm has been abolished.

30. The Engineering College on its former footing has been abolished, and in its stead an Engineering school has been set up at Bangalore, and scholarships provided for the completion of a course at some good College outside the Province. Medical schools and arrangements for instruction in chemistry and physiology, in botany and in practical gardening have been made.

The work of the Inam Commission has been pushed on, and the office of Superintendent of Inams, with its establishment, will now be dispensed with.

The Survey Commissioner is being localized, and the allowance paid to the Survey Commissioner of Bombay will now cease.

In the Department of Public Works several of the European officers have been transferred eleswhere, their places being filled by qualified natives. The Head of the Department, and a few European officers, will be retained for a time. It has been necessary to reduce the allotments so as to provide an annual sum for the Railway.

31. The result of these reductions will be seen in the accompanying statement, which shows the former and present scale of establishments and charges. There has, on the whole, been an annual reduction of expenditure of 12 lakhs of rupees, against which must be set the increase of four lakhs,—the interest on the Famine loan,—thus giving a net saving of only eight lakhs of rupees.

Some further small reductions in the Jail establishment will be feasible, and the reorganization of the Medical Department remains to be carried out.

32. It will be very desirable to continue for a time the existing arrangements for His Highness's education. The Maharaja is, Mr. Gordon is glad to be able to report, earnest in his desire for this arrangement, and the Tutor, Mr. Porter, has consented to stay for a time.

Maharaja's educational arrangements.

33. The case of the Coffee Planters in Mysore is, I am directed to say, simply this. They have been anxious to obtain a permanent title in their estates at a fixed acreage

Mysore Coffee Planters.

rate. Mr. Gordon has repeatedly advocated, as strongly as he could, compliance with their reasonable wish. But the Government of India have been unable to coincide in his views. It may be well even now, Mr. Gordon thinks, to concede the point. But it is not indeed of any very great consequence; for, from his knowledge of the views entertained on the subject in the Native State, Mr. Gordon is persuaded that the Maharaja will at once grant to the planters the title which they have sought in vain from the Government of India; therefore His Highness may conveniently be left to deal finally with this matter. The Resident would also see to the due enforcement of the provisions of the Sanad in the interests of European and other grantees.

Adjustment of boundaries.

34. The rectification of boundaries between Mysore and Madras, and between Mysore and Bombay, does not appear to press for decision now. It may indeed, Mr. Gordon thinks, be deferred with advantage till after the Maharaja has succeeded to power. Any changes which, on grounds of administrative convenience, it may be desirable to introduce thereafter, can then be amicably adjusted between the two Governments. I do not refer to the demarcation of the South Canara boundary, which is making rapid and satisfactory progress, and will, it is believed, be completed by March 1881.

Amrit Mehal.

35. A question of some importance which remains for settlement is the proposed re-transfer of the Amrit Mehal, or Cattle Department, to the Mysore State, with arrangements, if necessary, for the supply to the British Government of a certain number of draught cattle every year, in return for the herds which may be made over to the Mysore Government.

Postal service.

36. Another question requiring decision relates to the Postal service of the Province. Mr. Gordon does not think it would be desirable for the Imperial Postal Department to undertake at once the entire management of all the Postal arrangements in the Province, nor practicable to do so either cheaply or efficiently. There may be some grounds for fearing that this would lead to much friction and undesirable collision with the officers of the local administration in out-of-the-way parts of the Province, where Postal provision is required. The Imperial Postal Department had best perhaps confine itself, for a time at any rate, to some of the great through Postal lines, extending its operations bye-and-bye to the more remote lines, if it seemed advisable, and feasible to do so. If, however, guided by experience elsewhere, the Government should desire to take over the Postal Service wholly, every assistance and support to the introduction of the measure shall be given.

Pensionary liability of the Mysore State.

37. The Maharaja's Government should be required to guarantee the existing pensions and future pensions to existing officials of the Uncovenanted Service—European and Native. The Government have lately passed orders on the subject of the pensions of Covenanted Officers (Civil and Military) who have served, or are still serving, in the Province.

38. This appears to conclude the points on which an expression of opinion was called for.

I have the honor to be,

SIR,

Your most obedient servant,

Secretary.

C. F. G.—Reg No. 9726J—12—17-12-80.

INDIAN TELEGRAM.

To (Station) Calcutta

To (Name) Foreign

Dated 22 — Feby. 187

The only point on which discussion probable would be increase in subsidy x — Considering large amount now paid and also heavy contribution by Salt Duty desirable not to increase subsidy x Should increase be insisted on thirty Lakhs of rupees should be maximum

W. Lawson
Secy. Govt. Revs.

P. 172)—G. T. Press.—No. 593,—9-12-78,—100000.

DRAFT SUNNUD.

Whereas, &c., &c.

Therefore this Sunnud is granted to you to set forth the conditions in consideration of the true and faithful observance and fulfilment of which by Your Highness, your heirs and successors, a Native Administration in Mysore is restored.

CONDITION I.

Substituted for Art. 1 of the Treaty of 1799.

The Maharaja of Mysore shall at all times remain faithful in allegiance and subordination to Her Majesty Queen Victoria, Her Heirs and Successors, and perform all the duties which, in virtue of such allegiance and subordination, may be demanded from him.

CONDITION II.

See Art. 2 of Treaty of 1799.

See Art. 3 of Treaty.

The British Government having undertaken to defend and protect the Mysore State against all external enemies, the Maharaja of Mysore shall, in consideration of such defence and protection, pay to the British Government an annual sum of Government Rupees in twelve equal monthly instalments, commencing from and in the event of the invasion of India by any Foreign power or of a rebellion in India endangering the general peace, such further monthly sum not exceeding the monthly instalments aforesaid as the Governor-General in Council may determine to be necessary; such further payment to commence from and terminate on such dates as the Governor-General in Council may fix.

CONDITION III.

In lieu of the Treaty of 1807.

In the event of war or rebellion in India, the Maharaja of Mysore shall co-operate with the British Government in such manner as the Governor-General in Council may require of him.

CONDITION IV.

See Arts. 8 and 9 of Treaty.

The Maharaja of Mysore shall not, without the previous sanction of the Governor-General in Council, build any new fortresses or strongholds, or repair the defences of any existing fortresses or strongholds in the Mysore State, [and* he shall at no time raise objection to the construction and repair by the British Government, and to the occupation by British troops, of such fortresses or strongholds in the Mysore

* The latter part within brackets might perhaps be omitted as a condition flowing from our supremacy. But I think on general considerations and also with reference to the Articles of the old Treaty, it is better to set it forth.

(Sd.) C. U. A.

13-9-75.

State as the Governor-General in Council may deem it necessary to construct, repair or occupy.]

CONDITION V.

The Maharaja of Mysore shall not, without the permission of the Governor-General in Council, import, or permit to be imported, into the Mysore State, arms or munitions of war, and he shall prohibit the manufacture of arms and munitions of war within the Mysore State or at any particular place therein, whenever required by the Governor-General in Council to do so.

A new provision.

CONDITION VI.

The Maharaja of Mysore shall [raise no objection to the location of British Cantonments in the Mysore State wherever the Governor-General in Council may consider such Cantonments necessary. He shall freely grant such land as may be required for such Cantonments, and shall renounce all jurisdiction within the lands so granted. He shall] carry out in the lands adjoining British Cantonments in the Mysore State such sanitary measures as the Governor-General in Council may declare to be necessary. He shall give every facility for the provision of supplies and articles required for the troops in such Cantonments, and shall levy no duties or taxes of any kind on goods purchased or imported into such Cantonments for the use of troops or persons residing therein.

A new provision. The portion in brackets may be omitted.

See Art. 12 of Treaty.

CONDITION VII.

The ordinary duties of guard and protection in the Mysore State shall be undertaken by police, and the Maharaja of Mysore shall not enlist or maintain any troops without the sanction of the Governor-General in Council, whose wishes in respect to the armament and drill of the police force, and the enlistment, numbers, equipment and drill of troops, shall at all times be complied with.

A new provision.

CONDITION VIII.

The Maharaja of Mysore shall abstain from interference in the affairs of any State or power, and shall have no communication or correspondence with any State or power, or the Agents or Officers of any State or power, except with the previous sanction and through the medium of the Governor-General in Council.

See Art. 6 of Treaty.

CONDITION IX.

The Maharaja of Mysore shall not employ in his service any European British

subject or any person not a Native of India without the previous sanction of the Governor-General in Council.

See Art. 7 of Treaty.

CONDITION X.

A new provision. But the British coinage has already been introduced, and we can hardly revert to *Pagodas* and *Fanams*.

The British Indian currency shall be a legal tender in the Mysore State in all respects as in British territory, and all laws for the time being applicable to such currency in British territories shall be applied to such currency in the Mysore State. The Maharaja of Mysore shall coin no money, and the Mysore State shall have no separate coinage.

CONDITION XI.

A new provision.

The Maharaja of Mysore shall freely grant land for the construction and working of lines of telegraph wherever the Governor-General in Council may require it, and shall give every facility for the construction and working of such lines of telegraph. All lines of telegraph in the Mysore State, whether constructed and maintained at the expense of the British Government, or at the expense of the Mysore State on terms specially arranged or otherwise, shall form part of the British Telegraph system, and be worked by the British Telegraph Department, and all laws and rules for the time being in force in British territory in respect to telegraphs, shall be applied to such lines of telegraph in the Mysore State.

CONDITION XII.

A new provision; but one that has been agreed to by nearly all the States of India.

Should the British Government at any time desire to construct or work a railway in the Mysore State, either through their own agency or otherwise, the Maharaja of Mysore shall grant free of all charge such land as may be required, and shall transfer to the Governor-General in Council plenary jurisdiction within such land, and he shall levy no duty or tax whatever on through traffic carried by such railway which may not break bulk in the Mysore State.

CONDITION XIII.

New. But necessary, unless we have some extradition Treaty.

The Maharaja of Mysore shall give every assistance to British police who may enter the Mysore State in pursuit of criminals. He shall cause to be arrested and surrendered to the proper officers of the British Government any person within the Mysore State accused of having committed an offence in British territory, for whose arrest and surrender a demand may be made by the British Resident or other officer authorized by him, and he shall

afford every assistance for the trial of such persons by transmitting witnesses to the proper courts, and by such other means as may be necessary.

CONDITION XIV

Plenary criminal jurisdiction over European British subjects in the Mysore State shall continue to be vested in the Governor-General in Council, and the Maharaja of Mysore shall exercise only such jurisdiction in respect to European British subjects as may from time to time be delegated to him by the Governor-General in Council.

* New. But in accordance with declared policy as approved by Secretary of State.

CONDITION XV.

The Maharaja of Mysore shall take effective steps to prevent the importation into British territory of any salt manufactured in the Mysore State.

New. It is urged by the Department of Revenue, Agriculture and Commerce Department; but I think it had better be omitted.

(Sd.) C. U. A.

13-9-75.

CONDITION XVI.

Except in regard to salt, the Maharaja of Mysore shall offer no impediment to trade with the Mysore State, and he shall levy no duties whatsoever on goods imported into, or exported from, the Mysore State other than municipal town duties.

New, and I think it would be better to omit this altogether.

(Sd.) C. U. A.

13-9-75.

CONDITION XVII.

All laws and rules having the force of law, in force in the Mysore State on the , shall be maintained, and the Maharaja of Mysore shall not repeal or modify such laws or rules, and shall not pass any laws or rules inconsistent therewith except with the previous consent of the Governor-General in Council.

New, and perhaps covered by condition XXII. But the condition is so very important that I think it is best to specify it.

(Sd.) C. U. A.

13-9-75.

CONDITION XVIII.

All title deeds granted and all settlements of land revenue made during the administration of the Mysore State by the British Government, and all such title deeds that may be granted and all such settlements that may be made by the Survey and Inam Department employed in completing the land settlement of the Mysore State after the shall be maintained in accordance with the terms thereof except in so far as they be altered by a competent Court of Law.

New, but necessary.

CONDITION XIX.

Nuzzerana on succession shall be paid by the Maharaja of Mysore succeeding, in accordance with the following rules.—

New. The conditions are identical with the rules recently sanctioned by the Secretary of State.

(*a*)—Nuzzerana shall not be taken on successions in the direct line, as for

example, when a natural born son succeeds his father, or a grandson his grandfather, nor on collateral successions when the person succeeding is a brother or descended in the direct line from a brother.

(*b*)—Where a paternal uncle succeeds, nuzzerana of half a year's revenue shall be taken.

(*c*)—In all other cases, except that of an adopted son being the nephew of his adoptive father, a nuzzerana of a year's revenue shall be taken.

(*d*)—The nuzzerana may be paid in such instalments within such period not exceeding four years, as the British Resident may direct.

(*e*)—Notwithstanding anything hereinbefore contained nuzzerana shall not be taken in any case in which the succession shall have occurred within one year next after a succession on which nuzzerana shall have been taken.

(*f*)—If the succession shall have occurred within four years after a succession on which nuzzerana shall have been taken, the nuzzerana shall be remitted to such amount not exceeding three-fourths, as may be directed by the Governor-General in Council.

Condition XX.

Temporary. This condition will enable Government to provide for all *temporary* conditions in a letter of instructions to the Resident. But this can be equally well provided for in the letter restoring the administration of the Maharaja, and may therefore be omitted.

(Sd.) C. U. A.

13-9-75.

The Maharaja of Mysore shall comply, without objection or demur, with all such instructions as the Governor-General in Council may issue in respect to the arrangements made or to be made in connection with the restoration of a native administration in the Mysore State.

Condition XXI.

See Art. 15 of Treaty. But this may be altogether omitted.

Should it at any time be necessary to rectify or improve the boundary between British territory and the Mysore State by exchange of territory or otherwise, the Maharaja of Mysore shall agree to such measures as the Governor-General in Council may decide to be suitable.

Condition XXII.

See Art. 14 of Treaty.

The Maharaja of Mysore shall at all times conform to such advice as the Governor-General in Council may offer him with a view to the economy of his finances, the settlement and collection of his revenues, the imposition of taxes, the administration of justice, the extension of commerce, the encouragement of trade, agriculture and industry, and any other objects connected with the advancement of His Highness' interests, the happiness of his people, and his relations to the British Government.

CONDITION XXIII.

This document shall be understood to supersede all other earlier documents in which the relations of the British Government to the Mysore State are formally recorded. And if any question arise as to whether any of the above conditions has been faithfully observed, the decision thereon of the Governor-General in Council shall be final.

Given, &c., &c.

(Sd.) C. U. A.

22-8-74.

Exd.—J. M.

MR. PLOWDEN'S careful and complete Note should be read.

2. The 1st paragraph summarizes briefly the instructions of the Secretary of State, conveyed by his despatch of April 1867, to which we have now to give effect. With this should be read Sir S. Northcote's Minute * explaining his despatch; it shows that the terms on which the State was to be made over to the Maharaja, were purposely left as vague and open as possible. Nothing more definite is laid down than the desire of Her Majesty's Government to maintain an Indian dynasty on the throne of Mysore; and Sir S. Northcote even leaves it open whether the whole or a part of the State should be placed under that dynasty.

* Page 90, Mysore Précis.

3. The despatch distinctly declines to examine the terms of the Treaties of 1799, except where they indicate a policy of reconciling the maintenance of the old dynasty with good government and the security of British interests. And it might be consequently argued that the definite instructions to maintain the family on the throne, "upon terms corresponding with those made in 1799," mean that the old Treaties need only be regarded and followed so far as they provide for good government and British interests. At any rate, it seems clear that Sir S. Northcote had no intention whatever of allowing previous questions as to the proper interpretation of these Treaties, in their application to the Maharaja's family, to influence us in settling the terms on which the family should be re-admitted to govern the State. The family resumes the government of Mysore because it is thought expedient and according to good policy to maintain the State under a native sovereign; and all claims to be replaced, as of right, are plainly ignored, It is therefore, in my opinion, unnecessary to adopt any particular view as to the right construction of the old Treaties. Having thus cleared the ground, we may proceed to consider what should be the precise terms of the deed of settlement under which the Maharaja is to take possession of Mysore.

4. First comes, in the order followed by Mr. Plowden's note, the question whether we should draw up any terms expressly regulating the succession to the throne.

17

At present the Imperial Government deals with successions in the ruling families of Native States, throughout India, after a uniform manner. When there is a natural heir, whose title to succeed is indisputable according to law and usage, he succeeds as a matter of course, unless he be obviously and totally unfit; though I cannot recall an instance of an heir to a first class State being set aside on the ground of unfitness. But I think I am right in affirming that every succession is thoroughly understood to require confirmation and recognition by the Imperial Government; though this has been nowhere explicitly laid down. As a matter of fact, a regular lineal succession is never interfered with; and the Government considers it lucky that there is a legitimate heir ready to step in to the vacancy. Where the succession is disputed among claimants to be natural heirs, the Imperial Government steps in and decides authoritatively according to the usages of the race or family. Where natural heirs have failed, and the custom of adoption prevails, if the ruler has adopted an heir according to law and usage, that adoption is recognized under Lord Canning's *Sunnud*. Where natural heirs fail, and no adoption has been made, the British Government may not only recognize such successor to the rulership of a Native State as, on general considerations, may seem best, but may attach to the succession whatever conditions may seem fitting.*

5. This is the system upon which the Government now proceeds; though I think the last-mentioned principle, of revising the relations between the Supreme Government and the feudatories on the occasion of total failure of heirs, natural or adopted, has never yet been put into actual practice. It was laid down by the Secretary of State in the case of the Ulwur succession in 1875.†

6. Now this system, as it is already in force, is probably quite sufficient to provide all the checks and limitations necessary to retain in the hands of the Supreme Government a discretionary power to regulate the Mysore succession. I assume that the principle of hereditary succession, according to law and family usage, will be maintained; and that the right to adopt, according to usage, will be admitted; for it is clear that the custom has prevailed in the family. Whether a special Sunnud

* The only special rule about succession, on record in the engagements with States, which I remember is in the *Sunnud* to the three Phoolkian States, which provides that, on failure of male issue, and where no adoption has been made, the British Government shall consult the other two States in selecting a successor.

† Despatch, 9th September 1875.

should be given is not so important a point as might be thought; for though Lord Canning's *Sunnud* was held to be a great concession, its real value was soon found to lie in the expression of the Queen's desire to perpetuate existing native governments, which was interpreted as a final abandonment of the doctrine of lapse or escheat. So long as that doctrine prevailed, the Chiefs who had no natural heirs adopted to save their States from annexation; but as soon as they found that their States would in no case be annexed, and that the only consequence of a Chief dying without heirs was that the British Government undertook to select a successor, the privilege of adoption lost most of its value. This is the account of the matter given me by a leading Chief in Rajputana, and it is certain that ever since Lord Canning's Sunnud adoptions have been very rare; the Chiefs prefer, for their own safety and comfort, to die without nominating their successor.

7. If, therefore, no special condition, regulating the succession, were to be inserted in the terms under which the Maharaja will take Mysore, the effect would be that these above-stated principles of general policy could come into force. The Maharaja's family might probably ask for a *Sunnud* of adoption, in order to make sure that adoption was not prohibited; and in that case it should be given in the usual form applicable.* But the question remains whether the Imperial Government should not on this occasion place on distinct record its unwritten practice regarding successions; in order to forestal all possible controversy regarding the right of the paramount power—

(1.) To pass over a natural heir on the ground of obvious unfitness;

(2.) To decide among claimants to succeed;

(3.) To select an heir on general considerations, and to make fresh conditions, in the event of a total failure of heirs.

8. For this purpose it might be sufficient to record that the succession to the rulership of the Mysore State would follow the laws and usages of the country and the family, that on failure of natural heirs adoption would be permitted according to the said laws and usages, and that in the event of the failure of all heirs, natural and adopted, the Imperial Government would regulate the succession on general considerations—but that in each and

* The forms in which these Sunnuds were granted by Lord Canning, vary. I would take the form of Sindia's Sunnud as unobjectionable.

every case the succession would require to be confirmed by the British Government. I am inclined to think that it would be enough to prescribe that succession would follow recognized laws and usages, subject always to the confirmation, in each particular case, of the British Government and stipulating that the heir may be set aside for manifest unfitness.

9. The question of taking Nazarána under the Rules as they now stand, will have to be considered and specially decided for Mysore, if the Rules are to remain generally in force. In Mr. Aitchison's Nazarána tables (in separate file) Mysore is exempted from the demand; probably because Nazarána is at present demanded from no first class State, and because Mysore already pays a considerable subsidy. And since we now have the power to settle in any way we like the contributions to be made from the Mysore revenues to the Imperial exchequer, there is no particular reason why the payments should be made partly in the form of Nazarána, which is of all forms the most accidental and irregular. Moreover, as I have remarked in my note on the Nazarána file, we have already the power to attach any conditions we like to a succession upon failure of natural and adopted heirs; and it is mainly in such cases that Najárana becomes profitable.

10. The next point, as to the principles on which the Maharaja shall administer the country, has been already disposed of in a despatch that has gone home. We come now to the framing of sufficient securities for the observance of the agreement to abide by those principles; and here it appears to me that we have complete discretion to take any securities we think necessary for the good government of the people and for the reservation of British rights and interests. The terms of 1799 are indicated only as a general guide, and they may also be altered as circumstances require.

11. In a separate despatch upon the administrative system to be introduced into Mysore, we have provided a constitutional form of government, and have placed very considerable limitations on the personal power of the Chief, stipulating that no important act of State shall be done except according to regular procedure, and under the sanction of the Supreme Government. When this constitution shall have been agreed to by the Secretary of State, we have only to enter into our deed of transfer

certain terms requiring the Maharaja to maintain the procedure and to regard the constitution generally. So we may now go on to the question whether it is necessary to provide specifically the measures which the Supreme Government shall or may take, in the event of the constitution being neglected or violated, that is, in the event of the Maharaja disregarding the terms of his agreement, or the advice and wishes of the Supreme Government; or in the case of his failing to fulfil any of his financial or political obligations.

12. The Treaty of 1799 defined very plainly what the British Government might do if the subsidy remained unpaid, or misgovernment set in generally. In those contingencies the Governor-General retained full right to assume the direct management of the country whenever this might seem necessary, subject to the obligation to account for the revenues and to make a certain allowance to the Maharaja; and the power was, as we know, actually exerted by Lord W. Bentinck. Undoubtedly we must hold in reserve similar powers; and here again, as in the question of the succession, comes the point whether we should rely on our unwritten power to interfere whenever necessary in any State in India, to stop misrule, and to restore good administration; or whether we should expressly record that we shall, if we choose, resume the administration, or take any other step that may seem expedient. During the last few years we have constantly interfered in various ways to remedy misgovernment in Native States, without any written authority or warrants for doing so. In Baroda we have deposed a ruler, and set up another; in Kota we have set aside the Chief, also in Ulwur, and administered the State through our own officers; while on the occurrence of minorities we have always assumed full power of superintendence. Our right to interfere at discretion is now nowhere contested or denied; in fact neither the Chiefs nor the people in India now dispute our supreme right to do whatever we can prove to be just and necessary; with this single exception, that they would always demur, *in limine*, to any endeavour to prove the justice or necessity of annexation.

13. Under the peculiar circumstances of Mysore, however, I think it may be expedient to record distinctly our determination to interfere if it is necessary to do so for the maintenance of our arrangements

with the Maharaja's family. After recounting the terms on which the Maharaja will hold his kingdom, we can say that if the compact be not observed, the British Government will take whatever means may be necessary for upholding it, for the maintenance of the good government which it was intended to ensure, and for the performance of the obligations which it recites. This will be sufficient, if our policy of perpetuating a native dynasty and of administering Mysore on English principles through a hereditary native government, is to be fixed unalterably. But if, having still some misgivings as to the wisdom of that policy, we desire to hold in reserve, as a final measure in the last resort, the distinct power of abandoning altogether the experiment, and assuming permanent charge of Mysore—in that case our deed of settlement can follow more closely the model of the old Treaty. It can say that if our terms are violated the settlement becomes null and void, and the British Government shall have discretion to assume direct management of the State, and to make such fresh arrangements as may seem proper.

14. The next point to be settled is the manner in which we are to revise and fix anew the conditions of the old Treaty regarding the contributions of Mysore toward its own protection by British troops, and toward the general defence of the empire. It may be assumed that the State will not be required to keep up any local force, either for its own military protection, or for co-operation, in event of war, with the Imperial army; and that the system of contingents or subsidiary forces will not here be revived. We may fix an annual money payment, calculated on some such principles as those suggested by Mr. Aitchison and Mr. Plowden, which will continue the present tribute, and will also provide us with the equivalent for the cost of the troops which Mysore might still, under the Treaties, be required to keep up. The Secretary of State plainly suggests an addition to the subsidy; and Mr. Aitchison proposes a double subsidy during war; while Mr. Plowden presses some immediate present compensation, because in a great war we might be unable to realize our subsidy. On this last point I may remark that it would be sufficient if we could charge a double subsidy against the cost of any war after its termination; though our wars are not likely to be in

the vicinity of Mysore, and therefore a double charge for some distant operations on a distant frontier will be apt to appear hard on the State, as levied for causes very remotely connected with its interests.

15. It may be presumed that the subsidy will certainly be maintained at a sum not less than that now paid; and that we have only to determine whether that annual payment shall be increased, or whether some portion of the Mysore territory shall be retained, in lieu of extra subsidy. Sir Stafford Northcote originally said that under his despatch we might keep and give back just as much as we might think fit; but against retaining any considerable portion of the territory there is the proclamation subsequently issued on the death of the old Maharaja in 1868. In that proclamation we acknowledged the present Maharaja as "Maharaja of the Mysore territories," and said that we would administer them in his name during his minority, promising hereafter to intrust the government of the country to him under certain conditions. Such a declaration might be construed as placing a limitation on the general discretionary power, which Sir S Northcote apparently intended to reserve, to decide how much of the territory it might suit us to restore, though it would not affect our right to keep possession of lands required for cantonments, railways, and similar specific uses.

16. Nor is there likely to be any difficulty in arranging with the Maharaja for retaining any particular parcel or strip of land that we may require for a special purpose, such as Bangalore. There may be some doubt as to whether it is worth our while to declare such a place or tract to be British territory, since for the purpose of use and occupation it is quite sufficient, and in some ways more convenient, to obtain it on perpetual assignment.* If there were found to be any political difficulties (of the kind indicated in His Excellency's note of 11th July 1876) in the way of retaining territory, the procedure by way of assignment might be worth considering. The view, however, which I have taken in this present note, is that the terms on which we shall restore Mysore need not be based on or derived from any previous Treaty, although our policy must correspond with the terms of the preceding Treaties. I should consequently

* Morar cantonment is ceded in full sovereignty. Secunderabad is, so far as I can ascertain, only the place fixed under Treaty as head-quarters of the subsidiary force.

infer that the Maharaja could in no wise object to any reasonable decision on our part to retain some particular bit of territory; nor do I think that the Nizam could successfully challenge our right to do so. But of course the best arrangement, which removes all difficulties, is that the Maharaja should agree to and propose the arrangement; and this he will probably do, if we only require Bangalore. Probably the safest way will be to take Bangalore for good and all, and annex it to British India; but an oasis of British India in the midst of foreign territory is always rather troublesome, as it brings into play upon a minute and inappropriate scale the legal machinery applicable to such questions as jurisdiction, extradition, import and export across frontiers, &c., &c.

17. There is a variety of secondary questions to be settled, upon which we must consult the Chief Commissioner, whom indeed I would consult before deciding any of the primary questions.

18. As to the form of the deed of transfer, Mr. Aitchison, in his note of 1874, gives reasons for preferring a Sunnud or Patent to a Treaty. The *Sunnud* seems more in conformity with the general spirit and tenor of very strict conditions—implying our complete political supremacy and withholding from the Mysore ruler the greater part of what is technically called sovereignty—than a Treaty, which implies equality between the contracting parties. And I suppose that in either form the engagement would be construed on the same principles and by the same authorities. For these reasons I incline to the *Sunnud* form; but the question might be considered in the Legislative Department.

19. The chief points for decision in this note are, therefore,—

(1). Whether the document under which Mysore will be transferred shall expressly settle the succession to the throne, if so, on what terms and conditions.

(2.) What securities we are to provide specifically in the document for the observance of the agreement and the maintenance of good government. Are we, in short, to reserve power to resume the State, in case our experiment fails?

(3.) On what principle, and at what amount, the subsidy is to be fixed.

(4.) Whether we shall annex Bangalore to British India, or merely treat it as an assignment—and whether no other portion of Mysore territory is likely to be required; and in connection with this matter we have to look to the question of restoring Seringapatam.

20. Upon these points my opinion is—

(1.)—As to the succession, that a condition might be inserted in the Sunnud to the following effect:—

"The succession to the Government of the Mysore State shall follow the ordinary rules and usages of the family of His Highness the Maharaja, except in cases of disqualification through manifest unfitness to rule. Provided always that no succession (whether of heirs lineal or adopted?) shall be valid until it has been recognised by the Governor-General in Council."

[The Sunnud of Adoption might be given separately, in the form adopted for Sindia, if a specific recognition of the right of adoption were asked for.]

(2.) In regard to the reservation of power to interfere. The wording of the Treaty of 1799 might be imitated to some extent. The substance might be as follows:—

"In the event of failure on the part of His Highness the Maharaja, or of any of his successors, to fulfil and execute the terms and conditions here above stated, or if from any cause the Maharaja's administration proves unable to provide sufficiently for the good government of the people or for the security of British rights and interests—the Governor-General in Council will either introduce, of his own authority, such regulations and ordinances as he shall deem expedient for the better ordering of any branch of the Mysore administration, or will resume the direct management of the State, and make such arrangements for carrying on the administration as may be fit and proper."

(3.) On the question of the amount of the annual money payment I would consult the Chief Commissioner, explaining that it must be larger than the present subsidy, and that Bangalore, at any rate, will be retained. It may be worth mentioning that Mysore pays a considerable contribution to the Imperial Salt revenue. The Sunnud might, if the Finance Department desire, contain some clause restricting the power of the Mysore State in the matter of raising taxes from Salt and Opium except by arrangement with the Government of India.

(4.) I would consult the Chief Commissioner, explaining the general views of the Government. On all matters of detail Mr. Aitchison's draft Sunnud may, with some modifications, be taken as the basis for the new draft. I would omit, however, the Nazarana condition.

(Sd.) - A. C. L.

22-7-79.

2

No. 2

MYSORE.

Memo by Sir A. Lyall
A. 22.7.79

Foreign Dept. Press, Simla,—No. 992S.—13-8-79—30.

MYSORE DRAFT SUNNUD.

THE accompanying draft has been settled by Mr. Lyall and myself. It is based on the draft prepared by Mr. Aitchison, copy of which in print is put up. As it has now to go before the Hon'ble the Law Member I think it well to offer the following explanations on the few points of it on which this Department may be expected to form an opinion.

2. And first as regards the preamble it is open from a lawyer's point of view to the objection that the recitals do not go back far enough to give any idea of the position in which the British Government stands in the matter. I have prepared a rough draft of a preamble starting from the subsidiary Treaty of 1799 which I venture to think when accepted by the Maharaja would rather serve us than otherwise, but I don't think we need object to the preamble as now settled.

3. In order to account for the peculiar form in which the first two clauses of the Sunnud are drawn I think it well to refer to the circumstances under which they are being drafted and the difficulties they involve. Those difficulties will be understood from the following extract from a private letter written by me to Mr. Lyall on the 21st July 1879:—

"As I observed to you the other day the matter would be much simplified if we could assume a right to create *de novo* a sovereignty in Mysore; but on looking to the Treaties and the lengthy discussions that have taken place regarding them, I think it is impossible to do so.

"I quite agree that it is unnecessary for us now to express any opinion whatever on the questions which formed the subject of these discussions, but in preparing our draft it will be most necessary to keep those questions in view in order to steer clear of them. The questions to which I refer are as follows:—

"1*st*.—Whether by the Treaties of 1799 the sovereignty of Mysore was conferred merely on the late Maharaja *personally* so that the present Maharaja could claim nothing under it.

"2*ndly*.—Whether assuming that the present Maharaja can claim the status of Sovereign of Mysore under the Treaties

of 1799 he has any sort of right to be reinstated in the actual exercise of his sovereignty, or whether the British Government having assumed the exercise of it in 1831 are entitled to retain it as long as they *please*, and may make any conditions they *please* on restoring it.

"3*rdly*.—The question of the Nizam's claim to interfere in the event of the Native Dynasty set up in Mysore by the Treaties of 1799 in any way coming to an end.

"As regards the first of these questions it is quite clear that we must put nothing in our draft to indicate an opinion on it adverse to the present Maharaja. Not only has it been finally determined by the Secretary of State (Précis, pp. 89-106) to abstain from deciding it against him; but further any decision of it against him might possibly lead to a renewal of the discussion on question 3.

"On the other hand, we should not draft on the assumption that the Maharaja *has* any right independently of what we concede to him.

"We should simply avoid the question altogether by confining ourselves to dealing with the *exercise* of the sovereignty, by saying merely that it has been determined to 're-establish a Native Government in Mysore', and that accordingly it has been arranged that Maharaja Chamrajendra, his heirs, &c., shall govern, &c., &c., leaving it in doubt whether we are creating a new sovereignty or merely restoring the Sovereign to the exercise of his functions.

"There will be no difficulty about this as you propose in your rough memorandum not to limit the succession to any particular class of heirs but to let it go just as it would if the Maharaja had never been set aside by Hyder Ali or Tippoo."

4. In connection with Clause 3 of the draft I must advert to the desire expressed in paragraph 6 of His Excellency's note of 28th July 1879, that we should guard against any such difficulties as arose regarding the meaning of the words "natural heirs" in Lord Canning's Adoption Sunnuds. I understand the difficulties referred to by His Excellency are those which arose in regard to the succession in Kashmir, Hyderabad, and Pudukottai, the files of which accompany this. The form in which we have now drawn Clause 3 I think precludes the possibility of any

such difficulty arising. There is no doubt another difficulty that may arise, *viz.*, as to whether a man claiming to be heir by blood or adoption is really the heir or not; but this is a difficulty which may arise in any Native State, and I don't see how we could prevent its arising unless we were to undertake the almost impossible task of framing a code of succession. All we can do if a dispute arises is to decide it as best we can according to any precedents we can find, and when these fail according to the analogies of private law. It will be observed that by the express terms of the Sunnud our decision upon any such question is made final.

5. There is, however, one case by no means unlikely to arise, and which I wish to advert to if only to prevent its being supposed by those who come after us that we have overlooked it, and that is the case where lineal descendants, both by blood and adoption, fail, and the succession must pass to collaterals.

In such an event I fear there is absolutely no "rule or usage of the family" determining which among the collaterals is entitled to succeed.

I have looked through the history of the succession in Mysore as given in Wilks' Volume I., pages 21-23, 29, 30, 35, 36, 54, 139, 140, 141, 143-145, 294, 385-386, 391-392, and from it I gather that it is an absolute rule, which has never been disregarded even when the fortunes of the Raja's family were at the lowest, that some member of that family must occupy the throne, but that among collaterals, no one except perhaps a brother or uncle, is regarded as having a greater right than another. When lineal heirs fail, the choice of a successor being, if I may so speak, left unprovided for by the constitution, falls to be determined by external and accidental circumstances, the most potent of which has ordinarily been the wish of a powerful Minister.*

6. This being so I think we should be perfectly justified in ourselves assuming the right to choose in the event of a failure of lineal heirs any collateral we please; but I understand that it would not be thought desirable to assume such a right, and it must be admitted that our assuming it might be open to misconstruction and might further bring us into awkward collision with the right of adoption by a widow—a right which I see has been occasionally exercised in Mysore.

* Nothing better illustrates the view taken by the people in reference to the position of the collaterals with regard to the succession than the account given by Wilks (Vol: I, pp. 391-2) of the singularly contrived lottery by which Hyder Ali chose Raja Chamraj. The idea of choosing a successor to the throne in this way is said to have met with universal applause. The passage is worth reading.—D. FP.

7. Probably the best plan will be to make no provision whatever on the point. The result of this I have no doubt will be that whenever lineal heirs fail, those who have to decide the question of succession finding themselves bound to choose some collateral and being unable to discover any rule to guide them in their choice will apply by analogy the principle of nearness of relationship which obtains in private successions and choose the nearest heir unless he is unfit. To this result I see no objection.

8. If I recollect rightly when Mr. Lyall and I settled the draft the other day we decided that it would be unnecessary to make any provision for the case of a total failure of heirs as it is scarcely possible that when the succession of collaterals is admitted such an event could occur. As however, on again looking at the papers, I see His Excellency has expressed a wish to have such a provision in the Sunnud, I have added it at the end in italics. I have put it in the form of a saving of the right which I think we may safely assume Her Majesty as Empress has in respect of every State in India.

If instead of putting it thus we were to set about reserving any special right of escheat or reversion peculiar to the present case it is by no means improbable that the Nizam would set up a claim to share it with us.

Perhaps His Excellency on seeing how this matter stands will authorize us to omit this clause altogether.

9. The only other point to which I desire to refer is that of the maintenance of existing laws (Clause 19 of the Sunnud). I think we should as soon as the form of administration is finally settled prepare for Mysore a Code like what the Hon'ble the Law Member has prepared for the different provinces in British India, substituting in the various enactments for the designations of the present officers the names of the new functionaries. Mr. Lyall concurs with me as to the advisability of this and also as to the necessity of fixing with reference to Clause 20 of the Sunnud in writing in some shape or other such portion of the constitution as will not be expressly provided for by the Code.

(Sd.) D. FP.

14-8-79.

Mysore Draft Sunnud.

By M. D. Wh Patrick
d. 14. 8. 79

F. D. Press, Simla.—No. 1047S. 3-9-79.—20.

verbal alterations or additions to the provisions of some clauses of the Sanad.

cl. 3.

would not heirs be better than "descendants" having regard to the term "adoption" which follows. & "lawful heirs" in lieu of "lineal descendant"

cl 4.

"Queen of G. B. & I. and Empress of India" in lieu of "Empress Victoria."

cl 5.

25 lakhs subject to such increase as on a consideration of all the circumstances of the case the British Govt determine, lapse every after the Expiry of a term of five from the date of ~~determination~~ years

cl 7.

after the word strong holds where it first occurs insert "garrison or "occupy. in lieu a

* this Sanad
† Government

Military force" –

Saving the provisions of the arms act ? Cl. 8

It is intended I believe that the sovereignty over lands so granted shall remain with Mysore. But if, as the award now has it the Maharaja 'renounces all jurisdiction" in them those lands be Transfers the sovereignty which is not contemplated. I would suggest therefore that the wording of art 9 should rather be, after the word "renounce", insert the words "The exercise of all jurisdiction personally or by means of his own officers within the lands so granted". during the period of such occupation by the British

Cl 9

The only source of law known in Mysore is "the Governor General

Cl 19

in Council," and rules promulgated there by that authority under the form of a Notification are just as much "Laws" as acts of the Indian Legislature introduced into Mysore by order of the G. G. in C.

It would seem therefore that the schedule of laws in force required to be prepared should contain not only all acts which have been introduced but also all Rules promulgated by Notification of the Govt of India, whether or not such rules have been made under an act. Rules made under the authority of any act would be included probably by general mention as for instance act VII of 1870, Court

Fees act, and rules
made thereunder" —
after the words in cl
19 "all laws in force"
I would add "and all
rules having the force
of law". — and
after the word "annexed",
"shall be faithfully
observed, maintained,
& administered by the
said Maharaja & his
Officers" —

cl 22

after the word 'revenues',
insert the words 'the
enactment of laws'.

—

J. D. G.

cl 7
Keith & Sir James'
Opinion as draft.
dated 3.14.8.79?

5

1881. 34

No. 8287.
P. 144.

MYSORE CHIEF COMMISSIONER'S OFFICE,
GENERAL DEPARTMENT,
Dated Bangalore, 5th March 1881.

From

W. J. CUNINGHAM, ESQ., BO. C. S.,
Secretary to the Chief Commissioner
of Mysore.

To

The Secretary to the Government of India,
Foreign Department,
CALCUTTA.

SIR,

I am directed by the Chief Commissioner to acknowledge the receipt of your letter No. 92 I. P., dated 24th January 1881. Paragraphs 2, 3 and 4 deal with matters which do not require to be adverted to on this occasion. With reference to para 5, I am to say that the schedule of laws and rules as well as the statement of reductions of establishments mentioned in para 31 of my letter No. C. 2 of 17th December 1880, has been printed since the Chief Commissioner's return to Bangalore, and separately submitted with my letter No. 8222—G. 143, dated 1st March 1881.

2. Regarding the station of Bangalore, I am directed to enclose a draft Engagement to be executed by the Maha Raja immediately after his Installation by which he assigns the station in perpetuity to the British Government, to be held and governed by them. If this draft be approved, Mr. Gordon proposes to telegraph to you when His Highness has executed the assignment, and the Government of India can then at once notify the appointment of the several officers requisite for the administration of the tract. Their names will be sent in a separate communication. The limits of the station of Bangalore, it will be observed, are defined in the agreement by reference to a schedule and map, and Mr. Gordon will take immediate steps to have the boundary well marked by stones. The agreement further assigns the management of the land required for the Madras Railway line running in Mysore.

3. I am desired to submit a draft Notification declaring the assignment of the above tract and providing for its government. The laws now in force are those contained in the schedule which formed an enclosure to my letter above alluded to; but the changes now introduced require that the Bangalore Municipal Rules should be amended and I am therefore directed to forward another Notification amending those rules.

4. The further papers enclosed which relate to Bangalore are a comparative statement of establishments entertained hitherto and proposed now, and a proposition statement for the entertainment of those now proposed. For convenience of having all establishments sanctioned in one order, the proposition statement groups them all together including those too in which no change is proposed.

5. The establishments now proposed in detail differ but very slightly from those alluded to in paras 10 and 13 of my letter above quoted, which have received general sanction in para 6 of your letter No. 92 I. P. of 24th January 1881. In one or two respects, however, the present propositions differ, and I am directed now to invite attention to those and to explain Mr. Gordon's reasons for deviating from what was at first proposed.

6. First then Mr. Gordon is convinced that to retain the Resident's Treasury as it is now under the Comptroller in Mysore will, for the present and for such time as Mr. H. Hudson, the experienced Comptroller, shall remain in Mysore, be far preferable to appointing the 2nd Magistrate as Treasury Officer. The transactions at

this Treasury in receiving the subsidy and paying the Bangalore Garrison are considerable, and by the addition of establishments formerly paid by Mysore but now paid from the revenues of the Assigned Tract, they will be increased. The Comptroller has the accommodation, the office establishment and the personal experience for efficiently carrying on the work, while the 2nd Magistrate has none of these. Hereafter it may be more important that the Imperial Treasury should be entirely apart from the Mysore Treasury and from Mysore servants, but at present there is no reason, either political or other, for objecting to the plan now proposed. Hitherto the Imperial Funds have contributed Rs. 270 towards the establishment which, under the Comptroller, jointly works the Chief Commissioner's and Her Majesty's Treasuries in Bangalore. This contribution is altogether inadequate. Excluding the pay of the Treasury Bakshi, who is an officer on quite a different footing from any subordinate in a Treasury in British India, and allowing Government credit for the cost of the guard furnished by British Infantry at the Treasury, half the cost of establishment will be Rs. 685 per mensem, which sum Mr. Gordon proposes to charge, as well as half the Comptroller's allowance, as officer in charge of the Treasury, to the revenues of the Assigned Tract, the other half cost being borne by the Mysore Government. It will be cheaper for both parties to have, as now, a joint establishment doing work in both Treasuries, and to divide the cost equally is rather in favor of the Assigned Tract, for the transactions in the Imperial Treasury are already greater than those in the Chief Commissioner's.

7. One other matter in connection with the Treasury Mr. Gordon wishes to advert to here, and that is to suggest that its relation in subordination to the Accountant General at Madras should not be interfered with, for that arrangement is far more convenient than direct control from Calcutta would be, not only because of the proximity of Madras but also because the majority of payments from this Treasury are for Madras troops and in account with Madras.

8. Mr. Gordon has on consideration been led to recommend a trifling increase in the pay of the Civil and Sessions Judge, which he proposes now to make Rs. 1,250 instead of 1,200 Rs. as originally proposed. The increase is very small, but it would make the salary of the post slightly in excess of that of the Native Judge of the adjoining District and would on other grounds be expedient. It will be preferable too to give the Judge the supervision of Registration.

9. In the draft Notification to amend the Municipal Rules it will be observed that the provision in Section 12 which requires the President to have no other work is repealed, and Mr. Gordon proposes that the Magistrate of the Civil and Military Station of Bangalore shall be the President. This subject has been fully dealt with in my letter No. 7991—G 140, dated 26th February 1881, and it is unnecessary now, I am to say, to do more than invite a reference to what was stated therein.

10. In proposing an increase of Rs. 100 a month to the Superintendent of Police, Mr. Gordon has been influenced by the consideration that the jurisdiction and work of the Police of the Assigned Tract will be increased beyond what fell to the Police of the Bangalore Cantonment by the addition of the Police charge of the Madras Railway Line and Stations; and though the Superintendent was at the head of the Town Police too, he drew no pay for that part of his work. Moreover, Mr. Hewetson, the present Superintendent of Police, has had no promotion for seven years and is cut off from looking to promotion in any other office in Bangalore or elsewhere; nor is it likely that, hereafter, when any change is rendered necessary, an efficient Superintendent of Police would be obtained for less than Rs. 700 a month in an isolated position such as Mr. Hewetson holds.

11. With regard to the income of the Assigned Tract and the disposal of its surplus after providing for the expenditure of administration, Mr. Gordon did not propose to go further than make an allowance to Mysore, in the payment of the Subsidy, for surplus revenues; he expressly excluded all question of Mysore having any voice or joint interest in the finances, or in the application of the moneys; but it seems fair, and it certainly will be most convenient, that the Imperial Funds should not profit by the surplus. It would otherwise be most difficult to settle what should be considered to be the revenue. For instance, the most important item is the abkari or country spirit revenue, and this is made up partly of license fees on shops and partly of still head duty on spirits distilled by the Government monopolist. The monopoly has just

-een given out for three years, and the lessee has the supply of the three Districts of Bangalore, Kolar and Túmkúr. His tender is made of course on the assumption that he has the supply of the Cantonment as well as the Town of Bangalore. To deprive him now of the supply in the future station of Bangalore cannot be done without rescinding the whole contract or entering into an engagement *de novo*; and, on the other hand, the Mysore Government would reasonably object to give up the still-head duty on all spirits passed into the station, if the revenue thus parted with were lost to them for good. In case the surplus were retained by the British Government, too, there would arise a practical difficulty in regard to stamp revenue; whereas if the surplus is to be given back it does not practically signify whether stamps sold in the station and credited to the revenue of the Assigned Tract are for use in the station or in the interior of Mysore, and both court fees stamps and general stamps used in Bangalore can continue to be those of the Mysore State.

12. Mr. Gordon intended to send with this letter a budget estimate of receipts and disbursements in the Civil and Military Station of Bangalore and had delayed writing in order to obtain it, but in consequence of your telegram of the 3rd instant requiring urgent references to reach Calcutta by the 12th he has decided to leave that to be sent in in a separate letter.

13. In your letter under reply you have intimated the approval by Government of Mr. Gordon's proposals for the Residency staff and the proposition statement enclosed gives in detail the establishments for which sanction is accordingly solicited, but I am directed to advert in connection with this, to the proposed allowance of Rs. 250 per mensem, payable from the revenues of the Assigned Tract, to the Residency Surgeon and shown in the Bangalore station statements. In my letter No. C. 2, para 20, it was stated that the Surgeon would in addition to other duties have charge of the Bowring Hospital, and for that he should receive a local allowance; and on going deeper into the details of this arrangement it is found impracticable to avoid giving the Residency Surgeon work at the Bowring Hospital which really belongs to the Mysore State. For the Bowring is the only Civil Hospital in Bangalore. It is there that the servants of the Mysore State must go when in need of hospital accommodation, there being only a Dispensary in the Native Town, and it is in the wards of the Bowring Hospital that the pupils of the local Medical School study practical surgery. The most convenient arrangement therefore is to place the Medical School under the Residency Surgeon, and to require of him at the Bowring Hospital gratuitous attendance on public servants of the Mysore State who are entitled to such at the hands of the Mysore Medical Department. The allowance proposed for these extra duties and responsibilities is, Mr. Gordon believes, suitable, and it is right that it should be paid from the revenues of the Assigned Tract, which indeed, under the arrangement contemplated for disposing of the surplus, will be equivalent to its being paid by Mysore. In the position in which the Residency Surgeon will be placed, it will be the most convenient arrangement that he should be subordinate to the Chief Medical Officer of the Mysore State who will be a senior Commissioned Medical Officer lent to the State. This arrangement is also analogous to what is proposed for the Judicial Commissioner and for the Superintending Engineer of Mysore with reference to Coorg.

14. In making out the proposed office establishment for the Resident, Mr. Gordon feels, I am to observe, that he is working to a certain extent in the dark, it is only by future experience that the actual work to be done can be accurately ascertained; if a reduction in strength can be effected without loss of efficiency, there will be no hesitation in doing it; but if, on the other hand, it is found that the establishment errs by being too straightened it will be remembered, Mr. Gordon trusts, that it was framed with great regard for economy, and without experience of the work to guide in fixing details, so that for good cause shown an increase may not be refused.

15. As Chief Commissioner of Coorg, the Resident should retain a local Gazette, and it will be convenient to include in it Residency orders and those affecting the station of Bangalore; I am therefore to request sanction to the publication from the 1st April next, every Saturday, of a "*Coorg and Bangalore Gazette*" in the same form as the present *Mysore Gazette*, but, for the convenience of obtaining Bills of the Legislative Council printed in Calcutta, conforming in shape and size to the *Gazette of India*.

16. Mr. Gordon, I am to say in conclusion, hopes that the statements and explanations which have been given on the several points requiring attention or orders are sufficiently full and explicit, and he believes that his recommendations which have been very carefully considered, are such as may be sanctioned in the form in which they are submitted, but he would have liked both to have had more time to devote to the subject and not to have written on it so shortly before the date of the Restoration when final orders will have to issue; the late date, however, at which he received the orders of Government, and the press of other work incident on the approaching transfer and installation rendered it impossible to write sooner. Even now there are some minor details such as the contingent grants to the different offices, and the future arrangements for stationery supply, which have to be settled, but which will be left until the Budget Estimate alluded to in my 12th para can be forwarded.

I have the honor to be

Sir,

Your most obedient Servant,

W J. CUNINGHAM,

Secretary.

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Enclosure (1.)

Memorandum of an Engagement entered into with the British Government by His Highness the Maha Raja of Mysore on the 25th day of March 1881.

Whereas it is the wish of the Viceroy and Governor General of India in Council that a portion of the Town of Bangalore hereinafter designated "the Civil and Military Station of Bangalore" shall continue to be held by the British Government for Military and other purposes, the Maha Raja of Mysore hereby assigns to the British Government, for occupation in perpetuity or for such period as the British Government may desire, all lands situated within the limits specified and described in the Schedule and Map hereto annexed, and forming the Civil and Military Station of Bangalore.

2. The Maha Raja of Mysore further hereby assigns to the British Government, in perpetuity or for such period as the British Government may desire, all lands within the Territories of the Mysore State now occupied by the Madras Railway Company for their Railway Lines and Railway Stations.

3. During the period of occupation by the British Government, the Maha Raja of Mysore hereby renounces the exercise of all jurisdiction by himself and his officers within the limits of the said Civil and Military Station of Bangalore and the lands aforesaid: provided that all offenders, not being European British Subjects, against the laws of the Mysore State who, having taken refuge within the limits of the said Civil and Military Station of Bangalore and the lands aforesaid, may be found within such limits, shall be given up to the Mysore authorities in order to be dealt with in due course of law, and provided further that all Civil, Criminal and Revenue Processes issued by Courts and Officers in the State of Mysore shall be duly executed within the said Civil and Military Station of Bangalore and the lands aforesaid.

4. The expenses connected with the administration of the said Civil and Military Station and the lands aforesaid shall be defrayed from the revenues thereof. Any considerable surplus of income over expenditure which may be found regularly to accrue within the lands hereby assigned may be adjusted by an equivalent deduction from the Annual Subsidy payable to the British Government by the Mysore State, or in such other manner as may be hereafter agreed on between the British Government and the Maha Raja of Mysore.

Enclosure (2.)

NOTIFICATION.

Whereas His Highness the Maha Raja of Mysore has assigned in perpetuity to the Government of India the Civil and Military Station of Bangalore, the boundaries whereof are declared in an Agreement entered into on the 25th day of March 1881, and whereas he has also by the said Agreement assigned in perpetuity to the Government of India the lands used for the Madras Railway Line and Railway Stations wherever situated in the Territories of Mysore:

And whereas by the said Agreement His Highness the Maha Raja of Mysore has renounced the exercise of all jurisdiction in the lands aforesaid:

It is hereby notified that the Resident at the Court of Mysore for the time being shall exercise in and throughout the said Civil and Military Station of Bangalore and other lands aforesaid the powers of a Local Government.

The Laws and Regulations now in force in the said Civil and Military Station and other lands aforesaid, shall continue to be in force until duly repealed or amended by the authority of the Viceroy and Governor General in Council.

The Court of the Judicial Commissioner of Mysore shall be the High Court of Civil and Criminal jurisdiction, within the meaning of the Codes of Civil and Criminal Procedure, in and throughout the said Civil and Military Station of Bangalore and other lands aforesaid, save and except in the matter of criminal jurisdiction over European British Subjects as provided for in Notification of the Foreign Department No. dated

His Excellency the Viceroy and Governor General in Council is further pleased to constitute the undermentioned Civil and Criminal Courts in the said Civil and Military Station of Bangalore, which shall exercise jurisdiction in and throughout the said station and other lands aforesaid; that is to say—

(1.) The Court of the Civil Judge, which shall be a District Court within the meaning of the Code of Civil Procedure; and the Judge whereof shall also exercise the jurisdiction of a Court of Small Causes under Act XI of 1865:

(2.) The Court of Session for the Civil and Military Station of Bangalore, which shall form a Sessions Division within the meaning of the Code of Criminal Procedure:

(3.) The Court of the Magistrate of the Civil and Military Station of Bangalore:

(4.) The Court of the Second Magistrate of the Civil and Military Station of Bangalore.

The Magistrate of the Civil and Military Station of Bangalore shall exercise the powers of a Magistrate of a District within the said Civil and Military Station of Bangalore and other lands aforesaid.

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Enclosure (3.)

NOTIFICATION.

The Bangalore Town and Cantonment Municipal Regulations, published in Notification No. 51 J, dated 31st March 1871, shall, so far as they apply to the Cantonment of Bangalore, be applicable to the Civil and Military Station of Bangalore with the following additions and amendments :—

For the words "Chief Commissioner" or "Chief Commissioner for Mysore wherever they occur in the said Regulations, shall be read "Resident at Mysore.

For the words "Cantonment" or "Cantonment Magistrate" wherever they occur in the said Regulations, shall be read "Civil and Military Station" and "Magistrate of the Civil and Military Station," respectively.

And all references to the *Mysore Gazette* shall be taken to mean references to the *Coorg and Bangalore Gazette*.

In Sections 12 and 13 the last sentence in each section shall be omitted.

In Section 78, line 4, after "Commissioners" shall be inserted, "provided that if the said Magistrate of the Civil and Military Station is the President of the Municipal Commission, the said appeals shall be heard and determined by the Civil Judge of Bangalore :" and the provisions of the said section relative to the finality of the decision and reference to the Judicial Commissioner shall apply to appeals heard by the said Judge.

In Section 92, the words "On behalf of the Government of Mysore" shall be omitted, and Section 93 shall be omitted altogether.

In the last sentence of Section 117, for the words "The Court of the Deputy Superintendent of Bangalore" substitute "The Court of the Civil Judge of Bangalore."

In Section 245, for the words "Section 61 of the Code of Criminal Procedure as amended by Act VIII of 1869," read "Section 307 of the Code of Criminal Procedure."

No. 206G.

FROM

THE SECRETARY TO THE GOVERNMENT OF INDIA,

To

THE OFFICIATING RESIDENT IN MYSORE.

Simla, the 27th July 1882.

FOREIGN DEPT.
General.

SIR,

I AM directed to acknowledge the receipt of your predecessor's letter No. 2337-240 of the 6th January last, and to convey to you the observations of the Government of India upon your proposals in regard to the Mysore Residency Establishment, and upon certain other points referred to.

2. With regard to the employment of two additional muchis and two peons to assist in the separation and removal of the Residency records from the State record room, I am to say that, under the circumstances now stated, the Governor-General in Council sanctions their entertainment until the 31st March last.

3. It is observed that, in order to provide accommodation for the public offices at Bangalore, three detached houses have been rented for one year from the 1st January 1882 at a cost of Rs. 3,300 per annum, and that Rs. 2,971 will be expended on the furniture required for the Judge's Court and the Residency Office. I am to convey the sanction of the Government of India to these arrangements, and further to the construction of a strong room for the treasury in the Magistrate's Court at a cost of Rs. 660. The proposal to charge one-third of the rental of the Magistrate's Court to Imperial revenues, on account of the treasury being located there, is approved. I am also to request that you will submit estimates in regular form for a building to accommodate all the public offices at Bangalore, as, in the absence of information regarding the necessary space for them, the Government of India is unable to compare the cost of renting private houses with that of building.

4. The question of the appointment of a Residency Surgeon has been carefully considered by the Government of India, and it has been decided to add to the Residency establishment a Surgeon on the pay admissible for charge of a second class civil station. His functions will comprise superintendence of the Bowring Hospital, for which an allowance of Rs. 250 per mensem is debitable to the revenues of the assigned tract; and, as the regular salary sanctioned for him is considered sufficient remuneration for all the duties of his comparatively light charge, this allowance should be credited to Imperial revenues, if the arrangement sanctioned in paragraph 6 of this office letter No. 92 I.P., of 24th January 1881, under which all surplus revenue of the assigned tract is treated as Imperial, ever ceases to be in force.

The entertainment of a clerk on Rs. 30 a month is also allowed.

5. The general reduction of the establishments, which was suspended under orders contained in this office letter No. 324 G.F, of the 27th October, 1881, need not take effect until the 1st February 1882, on which date, as reported in your office letter No. $\frac{2916}{G.\ 321}$, dated 1st March 1882, the new treasury was opened, and the reduced establishment was entertained.

6. With reference to your predecessor's letter No. $\frac{2908}{G.\ 342}$ of the 9th March 1882, I am to say that the Governor-General in Council approves of Sir J. Gordon's proceedings in having placed the Resident's treasury under the charge of Mr. E. Pereira, 2nd Magistrate of the civil and military station of Bangalore on the sanctioned allowance of Rs. 100 per mensem, in place of Major E. P.

Maltby. It is presumed that these officers conduct their duties in the same building, and that the strong room constructed in the Magistrate's Court at a cost of Rs. 660 will thus be used by the newly-appointed Treasury Officer.

7. The Government of India has re-considered its former decision as regards the stamp vendor, and, as the proposal involves no extra cost, and appears to have some advantages, the appointment is now sanctioned.

8. Thirteen copies of the *Gazette of India*, Parts I and II, will be supplied as requested for distribution in Bangalore and Coorg.

9. Though the proposed re-adjustment within the maximum amount sanctioned, of the salaries of the existing members of the Residency establishment according to the merits of each particular case, is contrary to rule, the Governor-General in Council will sanction it in this instance as a special concession. I am to ask, however, that a detailed statement, showing how the salaries have been apportioned, may be submitted. As vacancies occur, new incumbents should be appointed on the sanctioned scale of pay as far as possible.

10. The budget estimates of the Residency and of the civil and military station of Bangalore have been passed. The advance of Rs. 3,000, made by the Mysore Treasury soon after the rendition for current contingent expenses of the Residency, should now be adjusted.

11. With regard to the surplus revenues of the assigned tract, I am to say that there is no immediate necessity for passing orders on this point, and to invite your attention to the letter from this Department No. 92I.P., dated 24th January 1881, paragraph 6. In the meantime the whole revenue collected may remain to the credit of the Imperial Government.

12. I am to take this opportunity of enquiring whether there is any loss of revenue to the British Government in consequence of the continued use of Mysore stamps in the civil and military station of Bangalore and whether the British stamps could not be obtained and used.

13. In conclusion, I am to say that the Governor-General in Council regrets that he cannot accede to your predecessor's request for the appointment of a Personal Assistant or Aide-de-Camp to assist the Resident in the performance of his social duties. Such assistance is not given to other political officers in the same position as the Resident in Mysore, and the concession in his case might create an inconvenient precedent.

I have the honor to be,

SIR,

Your most obedient servant,

C. GRANT,

Secretary to the Government of India.

No. 207G.

COPY of the foregoing, together with a copy of the letter to which it is a reply, forwarded to the Department of Finance and Commerce for information.

No. 208G.

Extract paragraph 3 forwarded to the Public Works Department for information.

By order, &c.,

FOREIGN DEPT., GENERAL; *Simla, the 27th July 1882.*

J. A. CRAWFORD,

for *Under-Secretary to the Govt. of India.*

43

1882.

FOREIGN DEPARTMENT.

GENERAL.

To

THE OFFG. RESIDENT IN MYSORE.

Dated 27th July 1882.

No. 206G.
„ 207G.
„ 208G.

In reply to his predecessor's letter No. 2337—240 of the 6th January last, conveys the orders and observations of the Government of India upon the proposals therein contained regarding the Mysore Residency Establishment, and upon other points connected with the accommodation of public officers at Bangalore; the appointment of a Residency Surgeon &c., &c.

(Copy to Finance and Commerce Department, and Extract paragraph 3 to Public Works Department.)

Govt. Central Branch Press, Simla—No. 232 F. D.—23-7-82,—66.